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7	EBAY ÎNC.		
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN FRANCISCO DIVISION		
11			
12	EBAY INC., a Delaware corporation,	Case No. CV 07 6172 CRB	
13	Plaintiff,	STIPULATION FOR FINAL JUDGMENT	
14	v.	AND PERMANENT INJUNCTION, AND FINAL JUDGMENT AND PERMANENT	
15	BOB MARTINO, an individual, d/b/a COINBAY.BIZ,	JUDGMENT THEREON	
16	,		
17	Defendant.		
18			
19	The parties to this action, plaintiff eBay Inc. ("eBay") and defendant Bob Martino, as		
20	individual doing business as CoinBay.biz ("Defendant"), by their own signatures and/or the		
21	signatures of their counsel, do stipulate and agree as follows:		
22	RECITALS		
23	1. Defendant operated a website for purposes of trading or auctioning coins under the		
24	name CoinBay.biz and at the URL address attpawww.coinbay.biz.		
25	2. eBay advised Defendant that it objected to, among other things, his use of the		
26	"CoinBay" name, domain name, and mark, the depiction of the CoinBay logo, and the use of a		
27	"Buy Now" logo as violations of its rights in various federally-registered trademarks, including		
28	the "eBay" word mark and logo, and eBay's "Bu	uy it Now" logo.	
COOLEY GODWARD KRONISH LLP ATTORNEYS AT LAW	1067206 v6/SF	STIP. FOR FINAL JUDG. & PERM. INJUNCT., & FINAL JUDG. & PERM. JUDG. THEREON CASE NO. CV 07 6172 CPR	

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- 3. On December 5, 2007, eBay filed this action against Defendant, seeking preliminary and permanent injunctive relief, an accounting of all revenues and profits, costs and attorneys' fees, and an order that the Registrar of the COINBAY BIZ domain name cancel the registration, alleging (1) federal trademark infringement, (2) federal trademark dilution, (3) false designation of origin, (4) common law trademark infringement, (5) common law unfair competition, (6) trademark infringement under Cal. Bus. & Prof. Code § 14335, (7) trademark dilution under Cal. Bus. & Prof. Code § 14330, and (8) unfair competition under Cal. Bus. & Prof. Code §§ 17200 et seq.
- 4. The parties have discussed their dispute and desire to resolve the Action amicably and without any further involvement from this Court.
- 5. Defendant acknowledges eBay's rights in its trademarks as referenced above, and has agreed to change the name of his website to "CoinDay" and to cease use of the "Buy Now" logo, and has also agreed to permanently cease and desist from using the names and marks, as well as the logo colors and designs and letter styles, to which eBay has objected.
- 6. In consideration for Defendant's actions, promises, and agreements as stated in this Stipulation, and provided that Defendant is in full compliance with the foregoing and the terms of this Stipulation, eBay:
- (a) will not object to Defendant's use of the name "CoinDay," provided that it is not depicted in offset letters or alternating colors, and
- **(b)** agrees to allow Defendant to continue the URL use http://www.coinbay.biz for the sole purpose of redirecting users his to site http://www.coinday.com until January 14, 2008, after which Defendant will cease all use of the COINBAY.BIZ domain name and associated URLs.
- 7. The parties concede that this Court has subject matter jurisdiction of the Action and that, by agreeing to a judgment in this matter, they voluntarily consent to this Court exercising personal jurisdiction over them.

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1	8. The parties agree that the terms herein constitute a full and fair settlement of all
2	claims raised resulting from known facts in this matter and should be entered as the final
3	judgment in the Action by the Court.
4	TERMS OF JUDGMENT
5	1. Defendant and all persons acting in concert or participation with him are
6	permanently enjoined and restrained from:
7	(a) using or seeking to register the COINBAY name for any purpose, whether
8	as a trade name, trademark, service mark, domain name, corporate name or other trade identity,
9	except that until January 14, 2008, Defendant may use the domain name COINBAY.BIZ solely as
10	part of an Internet URL address for the sole purpose of redirecting users to his site at
11	http://www.coinday.com, after which such use of the domain name shall permanently cease;
12	(b) using or seeking to register for any purpose a trade name, trademark,
13	service mark, domain name, corporate name or other trade identity that is confusingly similar to
14	the term EBAY, or which combines a generic or descriptive term with the distinctive BAY suffix
15	of the EBAY mark (for example, "CurrencyBay," "MoneyBay," and similar terms);
16	(c) selling or otherwise transferring the COINBAY.BIZ domain name
17	registration to anyone other than eBay;
18	(d) using or seeking to register any mark that uses any logo containing offset
19	letters or alternating colors;
20	(e) using eBay's BUY IT NOW mark, or any mark that is confusingly similar
21	thereto (including, but not limited to the "Buy Now" mark previously used by Defendant, or any
22	other mark that mimics the colors and design of eBay's BUY IT NOW mark); and
23	(f) taking any further action that infringes eBay's intellectual property rights.
24	2. Each party is to bear its own costs and attorneys' fees in this matter.
25	3. The injunction entered pursuant to this Stipulation shall take effect immediately.
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1	4. Entry of Judgment in accordance with this Stipulation shall constitute a final	
2	termination of all claims and causes of action asserted in the Action.	
3	D. 1.D. 1.00 and	
4	Dated: December 20, 2007 COOLEY GODWARD LLP JOHN W. CRITTENDEN (101634) KATHLEEN E. TREIBER (232353)	
5	FRANK B. GOLDBERG (222263)	
6 7	1 Cala Latt	
8	John W. Crittenden (101634)	
9	Attorneys for Plaintiff EBAY INC., a Delaware corporation	
10	ır	
11	Dated: December <u>15</u> , 2007	
12	Gol Marting.	
13	Bob Marino, an individual, d/b/a COINBAY.BIZ	
14		
15	FINAL JUDGMENT AND PERMANENT INJUNCTION	
16	The Court has reviewed and accepted the Stipulation for Judgment and Permanent	
17 18	Injunction ("Stipulation") as a proper disposition of this matter. Therefore,	
19	IT IS ORDERED that the Clerk of this Court enter Judgment in this matter in favor of	
20	plaintiff eBay Inc. and against defendant Bob Martino, an individual doing business as	
21	COINBAY.BIZ, according to the provisions of Rule 58 of the Federal Rules of Civil Procedure,	
22	and in accordance with the terms of this Stipulation. Judgment shall be so entered forthwith.	
23	Dated: December 21, 2007	
24	Charles P. Branch	
25	Unit SO ORDERED get	
26 27	Judge Charles R. Breyer	
28 ARD P LAW	Since of Final Judg. & Perm. Indexed, & 1067206 v6/SF  4. Since of Final Judg. & Perm. Indexed, & 1067206 v6/SF	

COOLEY GODWARD KRONISH LLP ATTORNEYS AT LAW SAN FRANCISCO